

**REMARKS**

The Office Action of May 22, 2007 has been received and the Examiner's comments carefully considered. The present Amendment amends claims 48, 50, 53, 57, 61 and 62 all in accordance with the originally-filed specification. No new matter has been added. Support for these amendments can be found, for example, in paragraphs [0070]-[0085] and Figs. 6-14 of the originally-filed specification. Further, claims 60 and 63 have been cancelled, without prejudice. Therefore, claims 48-59, 61 and 62 remain in this application, and claim 48 is in independent form.

Applicant notes that the pending claims have been rejected by the Examiner, although the Examiner has previously indicated that allowable subject matter is present. In particular, the Examiner now rejects claims 48-63 under 35 U.S.C. § 112, first paragraph and second paragraph. In view of the foregoing amendments, Applicant respectfully requests reconsideration of these rejections.

First, with respect to the rejection of claims 48-63 under Section 112, first paragraph, the Examiner believes that the "dividing", "guiding" and "wholly enclosing" steps in independent claim 48 do not find support in the originally-filed specification. Applicant has amended independent claim 48 to overcome this rejection.

In particular, independent claim 48, as amended, includes a container with a mass of molten glass, and the container includes at least one discharge opening through which liquid glass can be delivered. The liquid glass is divided into successive first portions, which are guided into a first mold part. Next, a figurine is positioned on or at least partially in the first portion of glass. Next, liquid glass delivered from at least one discharge opening is divided into

successive second portions, which are guided into a second mold part positionable adjacent the first mold part, which thereby forms a glass mass with the figurine enclosed therein. This glass mass is removed from the first and second mold parts and modeled to a spherical form by omnidirectional rolling for a period of time, together with simultaneous cooling, such that the mass solidifies and forms the spherical article.

As seen through the amendments to independent claim 48, the “dividing”, “guiding” and “positioning” steps have been clearly defined and described. As stated above, these modified steps find full support in the originally-filed specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Withdrawal of the Section 112, first paragraph, rejection is respectfully requested.

Claims 48-63 also stand rejected under Section 112, second paragraph, for indefiniteness. The Examiner indicates that the liquid glass is divided into successive portions that are delivered into a single mold, where the figurine is enclosed in the portion. As discussed above, independent claim 48 has been modified to more specifically explain the use of first and second portions and respective first and second mold parts for use in enclosing the figurine in the glass mass. Further, the use of the phrase “wholly enclosing” has been removed, and the term “positioning” replaced therefore. Accordingly, the amendments to independent claim 48 have also addressed the Examiner’s indefiniteness rejections and confusion regarding the relative terms and phrases. Withdrawal of the rejection of the claims under Section 112, second paragraph, is respectfully requested.


Application No. 10/616,742  
Paper Dated: November 20, 2007  
Reply to Office Communication of May 22, 2007  
Attorney Docket No. 0702-030799

For the foregoing reasons, independent claim 48 is not anticipated by or rendered obvious over the cited prior art. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as claimed, obvious. The Examiner's rejections regarding Section 112, first and second paragraphs, have been overcome by the foregoing amendments to independent claim 48. Reconsideration of the rejection of independent claim 48 is respectfully requested.

Claims 49-59, 61 and 62 depend either directly or indirectly from and add further limitations to independent claim 48 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 48. Further, claims 50, 53, 57, 61 and 62 have been amended to be consistent with the modifications made to independent claim 48. Therefore, for all the above reasons, reconsideration of the rejections of claims 49-59, 61 and 62 is respectfully requested.

For all the foregoing reasons, Applicant believes that claims 48-59, 61 and 62, as amended, are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 48-59, 61 and 62.

Respectfully resubmitted,  
THE WEBB LAW FIRM

By   
Nathan J. Prepelka  
Registration No. 43,016  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
Telephone: 412-471-8815  
Facsimile: 412-471-4094  
[www.webblaw.com](http://www.webblaw.com)